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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,150	05/14/2001	Erhard Jung	P6313.8US	2521

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EXAMINER

CHAN, SING P

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 02/04/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/858,150

Applicant(s)

JUNG, ERHARD

Examiner

Sing P Chan

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 61-114 is/are pending in the application.
- 4a) Of the above claim(s) 65-69, 103-106 and 109-114 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-64, 70-73, 75-80, 100-102, 107 and 108 is/are rejected.
- 7) ☒ Claim(s) 74 and 81-99 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of group I, claims 61 to 108 and species A2, claims 61-64 and 70-108 in Paper No. 8 is acknowledged. However, during examination of the claims, the examiner noted claims 103-106 recite features for a heating element comprising tubes, which is species A1. The examiner has included these claims with non-elected species A1 and these claims are not examined on the merits by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 61-64, 73, 75-80, 100-102, and 107-108 are rejected under 35 U.S.C. 102(b) as being anticipated by Onsrud (U.S. 2,593,691).

Regarding claims 61-63, Onsrud discloses an automatic gluing machine for wood pieces. The machine includes clamps and pressing platens (Col 3, lines 58-72) with air cylinders to operate the pressing platens, (Col 5, lines 29-34) which includes wood beams as pressing member laid in two layers transversely of each layers, (Col 3, lines 59-72) and aluminum strips as pressing member on the upper clamping platen and the clamping platen has sufficient play to allow the clamping platen to be seated even with varying thickness of wood pieces. (Col 5, lines 21-28)

Regarding claim 64, Onsrud discloses the device includes heating elements on the clamping and pressing platens and the pressing platens are movable in a direction transversely to the board. (Col 5, lines 14-21)

Regarding claim 70, Onsrud discloses the heating elements are electrodes. (Col 2, lines 29-51)

Regarding claims 71 and 72, Onsrud discloses the electrodes are extended parallel and in the feeding direction of the board. (Col 4, lines 7-17 and lines 46-64)

Regarding claims 73 and 80, Onsrud discloses the heating elements are fastened to the aluminum plate, i.e. support and is considered to be capable of receiving tensile forces in the feed direction. (Col 4, lines 7-17 and lines 46-64)

Regarding claim 75, Onsrud discloses the air cylinders are coupled to the platen with a pair of brackets with bolts or screws extending through the platen. (Col 5, lines 51-62)

Regarding claim 76, Onsrud discloses the cylinders are positioned at the outlet of the pressing device. (Col 5, lines 29-39 and Figures 1 and 3)

Regarding claim 77, Onsrud discloses the brackets or coupling member is movable to a limited extent relative to the platen to swung vertically. (Col 5, lines 14-21)

Regarding claim 78, the device as disclose by Onsrud includes wood beams as pressing members and extend across the area of the heating elements.

Regarding claim 79, Onsrud discloses the pressing members are positioned at the outlet of the pressing device. (Col 3, lines 61-68 and Figures 2 and 4)

Regarding claims 100-102 and 107, Onsrud discloses support for the board comprising wood beams with heating elements. (Col 3, line 58 to Col 4, line 17)

Regarding claim 108, Onsrud discloses heating elements are fastened to the supports, which are fastened to table or frame of the device and is considered to be capable of receiving tensile forces in the feeding direction. (Col 3, line 58 to Col 4, line 6)

***Allowable Subject Matter***

4. Claims 74 and 81-99 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

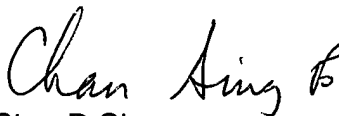
5. The following is a statement of reasons for the indication of allowable subject matter: The claims recite an apparatus for joining lamellar pieces of wood to a broad. The apparatus includes clamping and pressing platens with two connecting plates as support for the heating elements and pressing members with noses positioned in the front of the heating element at the inlet of the clamping and pressing device, and a pressing slide to apply pressing force onto the pieces of wood of the broad. Onsrud discloses an apparatus for laminating pieces of wood using RF energy. The apparatus includes clamping and pressing devices with heating elements with electrodes to produce the radio frequency for the heat generation. (Col 2, lines 29-51) The clamping and pressing device also includes air cylinders to move the clamping and pressing device. (Col 5, lines 29-61) Onsrud does not disclose the clamping and pressing

device includes two connecting plates as support for the heating elements and pressing member with noses positioned in the front of the heating element at the inlet of the clamping and pressing device. A search of the prior art of record did not disclose reference or references in combination with the recited features.

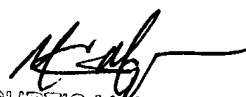
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 703-305-3175. The examiner can normally be reached on Monday-Friday 7:30AM-12:00PM and 1:00PM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Sing P Chan  
Examiner  
Art Unit 1734

spc  
January 16, 2003

  
CURTIS MYERS  
PRINCIPAL EXAMINER